

**EXHIBIT 1**

**(Kadden Declaration)**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:

MOUNTAIN EXPRESS OIL COMPANY, et al.,

Debtors.<sup>1</sup>

Chapter 7

Case No. 23-90147 (EVR)

(Jointly Administered)

**DECLARATION OF BENJAMIN W. KADDEN IN SUPPORT OF THE FINAL  
APPLICATION OF LUGENBUHL WHEATON PECK RANKIN & HUBBARD FOR  
ALLOWANCE OF COMPENSATION FOR SERVICES RENDERED AND  
REIMBURSEMENT OF EXPENSES INCURRED AS SPECIAL LITIGATION  
COUNSEL TO THE DEBTORS FOR THE PERIOD FROM APRIL 7, 2023 THROUGH  
AUGUST 16, 2023**

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I, Benjamin W. Kadden, declare under penalty of perjury:

1. I am the Managing Shareholder of the law firm of Lugenbuhl, Wheaton, Peck, Rankin & Hubbard (“Lugenbuhl”), which maintains offices at 601 Poydras St., New Orleans 70130, and elsewhere in Houston, Texas; Baton Rouge, Louisiana; and Gulfport, Mississippi. Lugenbuhl formerly represented the above-captioned debtors (the “Debtors”) during the pendency of their jointly-administered chapter 11 cases as Special Litigation Counsel, and I served as lead attorney with respect to Lugenbuhl’s engagement with the Debtors.

I have read the *Final Application of Lugenbuhl Wheaton Peck Rankin & Hubbard for Allowance of Compensation for Services Rendered and Reimbursement of Expenses Incurred as Special Litigation Counsel to the Debtors for the Period From April 7, 2023 Through August 16,*

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<sup>1</sup> A complete list of each of the Debtors in these chapter 11 cases may be obtained for a fee at the Court’s website at <http://ecf.txsb.uscourts.gov>. A login identification and password to the Court’s Public Access to Court Electronic Records (“PACER”) are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>. The location of Debtor Mountain Express Oil Company’s principal place of business and the Debtors’ service address in these Chapter 11 Cases (the “Cases”) is 3650 Mansell Road, Suite 250, Alpharetta, GA 30022.

2023 (the “Final Application”), filed contemporaneously herewith.<sup>2</sup> To the best of my knowledge, information, and belief, formed after reasonable inquiry, the statements contained in the Final Application are true and correct. In addition, I believe that the Final Application is in conformity with the applicable provisions of the Bankruptcy Code, Bankruptcy Rules, Local Rules, and this Court’s orders.

In connection therewith, I hereby certify that:

- a. The fees and disbursements sought in the Final Application are billed at rates customarily employed by Lugenbuhl and generally accepted by Lugenbuhl’s clients. In addition, none of the professionals seeking compensation varied their hourly rates based on the geographic location of the Debtors’ cases;
- b. In providing a reimbursable expense, Lugenbuhl does not make a profit on that expense, whether the service is performed by Lugenbuhl in-house or through a third party;
- c. In accordance with Bankruptcy Rule 2016(a) and Bankruptcy Code section 504, no agreement or understanding exists between Lugenbuhl and any other person for the sharing of compensation to be received in connection with these Cases except as authorized pursuant to the Bankruptcy Code, Bankruptcy Rules and Local Rules; and
- d. All services for which compensation is sought were professional services on behalf of the Debtors and not on behalf of any other person.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on November 15, 2023, in New Orleans, Louisiana.

/s/ Benjamin W. Kadden

Benjamin W. Kadden

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<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings assigned to them in the Final Application.